

24 OCT 1973

MEMORANDUM FOR: Legislative Counsel

SUBJECT : S. 2451

REFERENCE : Note from OLC to DD/M&S, dated 16 October 1973,  
same subject

1. The reference contained a request for basic comments suitable, for preparing a suggested reply for the Director re subject bill. Such comments are set forth below.

2. In the attempt to provide a solution to the very real problem of improper or unnecessary classification of information, the author(s) of S. 2451 appears to be quite unaware of the volume of information presently classified (and classifiable under the proposed bill) and thus subject to the monitoring, reviewing and reporting requirements proposed. Among the specific sections of S. 2451 which would cause the Agency problems are:

- X a. The proposal to use only one category of classification would necessitate handling all classified information with the controls and safeguards presently used only for Top Secret material, and more complete clearance processing would be necessary for non-staff personnel presently given access to Confidential or Secret information.
- b. The proposed semi-annual review of all persons authorized to classify poses an unreasonable burden on the DCI because of the personal participation required.
- c. The requirement for biennial review of all classified documents for possible declassification, combined with the reporting requirements to Congress on all documents with deferred classification, considering the volume involved would place an intolerable burden on Agency manpower.

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d. The bill is unclear as to whether the present (or possible future) classification system prescribed under Executive Order 11652 would continue, in which case there would be a further administrative burden of processing classified information under two different systems.

e. The proposed introduction of the Comptroller General into the regulation making and monitoring processes of the Agency classification/declassification program may well conflict with other statutes; it would appear to be of doubtful legality.

3. Perhaps the most serious problem for the Agency would be the requirement that no information could be denied to any member of the Congress or any court solely on the grounds of classification. This appears to be in direct conflict with the DCI's statutory responsibilities for the protection of classified information.

4. While there is undoubtedly room for improvement and refinement of the procedures for handling classified information under Executive Order 11652, we feel that the order provides the guidelines which should continue to be followed to achieve the best balance possible between the goals of protecting classified information and releasing to the public the maximum amount of information possible.

STATINTL



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for  
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